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September 3, 2004

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

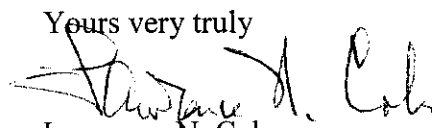
Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals II
445 - 12th Street, S.W.
Room TW-A325
Washington, DC 20554

Dear Ms. Dortch

On behalf of Tichenor License Corporation, there is herewith submitted an original and five (5) copies of its Opposition to Motion in MM Docket No. 02-212.

Please direct any communications regarding the enclosure to the undersigned counsel.

Yours very truly


Lawrence N. Cohn

cc: Gene Bechtel, Esq.
Robert Hayne, Esq. (via hand delivery)

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BEFORE THE

Federal Communications Commission

In the matter of

Amendment of section 73.202(b))	
FM Table of Allotments)	MM Docket No. 02-212
FM Broadcast Stations.)	RM-10516
Vinton, Louisiana, Crystal Beach,)	RM-10618
Lumberton, and Winnie, Texas)	

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Opposition to Motion

Tichenor License Corporation ("TLC"), licensee of Station KOBT, Winnie, Texas, and Station KLTO(FM), Crystal Beach, Texas, hereby opposes the Motion for Leave to File Study of "Tuck" Reported Decisions ("Motion") which Charles Crawford ("Crawford") filed with the Commission in this proceeding on August 26, 2004. In support of its opposition to Crawford's Motion, TLC states the following.

Crawford's Motion asks the Media Bureau to accept his Supplement to Petition for Reconsideration which includes a "Study of Reported Decisions by the FCC Applying the "Tuck" Precedent to Determine whether to Grant or Deny a "First Local Service Status" in FM Allotment Rulemaking Proceedings." Crawford's "Study" purports to present a global review of Commission cases decided since 1995 in which the Commission or the Media Bureau have used

the principles set forth in Fay and Richard Tuck, 3 FCC Rcd 9564 (1988) (“Tuck”), to determine whether an FM rulemaking petitioner which seeks to change a station’s allotment to a community with no local service is entitled to credit for proposing a “first local service” under criteria #3 of Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). Crawford does not attempt to analyze any case cited in the “Study,” or to demonstrate that the result reached in this proceeding is inconsistent with any prior decision involving the Tuck principle. Crawford’s “Study” is obviously and solely an effort to plant into the record “evidence” which, in Crawford’s view, will support his stated goal in this proceeding—i.e., the rejection of the Commission’s Tuck policy, itself.¹ See Crawford’s Petition for Reconsideration, Section I (pages 2-6).

Crawford’s Motion should be denied, and his Supplement rejected. First, Crawford’s Motion should be rejected because it is bereft of even a pretense of a reason why it could not have been submitted in a timely manner along with Crawford’s Petition for Reconsideration filed June 3, 2004 (there obviously being no such reason). Further, Crawford’s Motion should be rejected because it does not proffer a legitimate explanation of the relevance of the information in the “Study” to the outcome of this proceeding, as now pending before the Media Bureau (or as it may later come before the Commission).

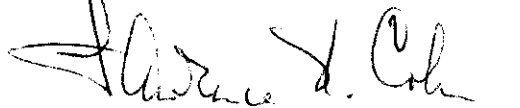
¹ Crawford provides the Commission with several meandering and generally non-focused observations regarding his assessment of his Study and Commission’s use of the Tuck policy over the years (e.g., it “almost invariably results in a determination that a first local service status should be awarded”). Motion, Paragraph 3. However, he fails to state exactly how these observations, if true, have the slightest relevance to a serious legal assessment of the Commission’s Tuck policy, much less to the resolution of the instant proceeding which is before the Media Bureau. TLC assumes that Crawford’s observations are a warm-up to arguments that he will present in a focused and coherent fashion at a later time. If and when Crawford makes such a presentation, TLC will respond. At this juncture, TLC will refrain from responding.

Crawford's assertion that his study might be a "useful resource to aid in the agency's decision" is not a serious claim. Crawford's "Study" is not designed to assist "this agency" (even though it is the Media Bureau to whom the Motion and Supplement are addressed). Crawford's audience is appellate authorities to whom Crawford obviously anticipates he will make a "future briefing of that decision"—i.e., Crawford's anticipated appeal from the Commission's determination in this proceeding, and his direct challenge to the Tuck policy. But this proceeding is now before the Media Bureau, which has no authority to reexamine the Commission's Tuck policy. Hence Crawford's "Study" and his various observations regarding said "Study," which are submitted for no other purpose than to provide a platform for a later attack on the Commission's Tuck policy, are irrelevant at the present time.

For these reasons, Crawford's Motion is frivolous and should be denied.

Respectfully submitted

TICHENOR LICENSE CORPORATION

A handwritten signature in black ink, appearing to read "Lawrence N. Cohn", is written over a horizontal line.

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Date: September 3, 2004

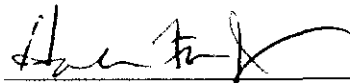
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Certificate of Service

I, Hannah Faye Jackson, have caused a copy of the foregoing OPPOSITION TO
MOTION to be sent by United States mail, first class postage prepaid, to the following:

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* Via Hand Delivery